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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,000	04/21/2001	Masahiro Nakano	50P4426	2737

36738	7590	01/15/2008
ROGITZ & ASSOCIATES		
750 B STREET		
SUITE 3120		
SAN DIEGO, CA 92101		

EXAMINER	
HOSSAIN, FARZANA E	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
01/15/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/839,000	Applicant(s) NAKANO ET AL.	
	Examiner Farzana E. Hossain	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Board of Patent Appeals and Interferences Decision***

1. When a decision by the Board of Patent Appeals and Interferences on appeal has become final for judicial review, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 or § 41.50 of this title without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.
2. The Board of Patent Appeals and Interferences reversed the rejections for Claims 1, 3-4 and 6 (Pages 5-6). However, the Board made the following comments: "the Applicant's specification provides no details of how to download only the changed portions of a Web site, it must be assumed that one of ordinary skill in the computer art possessed the required knowledge to implement this feature or Appellant's own disclosure would be nonenabling" (Page 7, Board's Decision).

In view of the decision determined on September 24, 2007 and comments, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

A Director has approved of reopening prosecution by signing below:



Wanda Walker

***Response to Amendment***

3. This office action is in response to the decision of the Board of Patent Appeals and Interferences decided September 24, 2007 and the amendment filed 09/26/2007. Claim 1 is previously presented. Claims 3-6 have been previously presented. Claims 2 and 7-22 are cancelled.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-6 have been considered but are moot in view of the new ground(s) of rejection.

The applicant comments that in light of the board's decision for the reversal of the claims places application in condition for allowance.

In response, the examiner respectfully disagrees as the Board provides comments that one of ordinary skill will have knowledge to implement feature. See Response to Board of Patent Appeals and Interferences Decision.

***Claim Rejections - 35 USC § 103***

5. Claims 1, 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht et al (US 6,745,223) in view of Blackketter et al (US 2005/0172331 and hereafter referred to as "Blackketter").

Regarding Claim 1, Nobakht teaches an interactive television (ITV), comprising: a housing (Figure 1, lines around Television 132. Column 4, lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing); a microprocessor associated with the tuner (Figure 2, 210, Column 4 lines 48-67, Column 5 lines 5-62); a user input device communicating with the microprocessor (Figure 2, 202, Column 4 lines 48-67, Column 5 lines 5-62); a memory system communicating with the microprocessor (Figure 2, 219 and Column 4 lines 48-67, Column 5 lines 5-62), the memory system storing user data and virtual channels, the user data being at least partially based on signals received from the user input device (Column 5 lines 63-67, Column 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (Figure 2, 217, Column 4 lines 48-67, Column 5 lines 5-62), the virtual channels in the memory system being updated in accordance with data received from the communication device, the virtual channels being established at least partially based on the user data (Figure 8, Column 14 lines 11-67, Column 15 lines 1-67, Column 16 lines 1-6). Nobakht fails to disclose wherein in the event of an update, only updated portions of the Web page corresponding to the virtual channel are downloaded.

Blacketter discloses in the event of an update, only updated portions of a Web pages corresponding to the virtual channel are downloaded (Page 3, paragraph 0035). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht to include in the event of an update, only updated portions of a Web pages corresponding to the virtual channel are downloaded

(Page 3, paragraph 0035) as taught by Blackketter in order to require less bandwidth than updating an entire page (Page 3, paragraph 0035) as disclosed by Blackketter.

Regarding Claim 3, Nobakht and Blackketter discloses all the limitations of Claim

1. Nobakht disclose wherein the virtual channels are Web pages (Column 5 lines 63-67, Column 6 lines 1-28).

Regarding Claim 4, Nobakht and Blackketter discloses all the limitations of Claim

1. Nobakht discloses that the microprocessor is in the housing or in a set-top box separate from the housing (Figure 2 CPU 210 and Column 4 lines 48-67, Column 5 lines 5-62 Microprocessor 210 is in a set-top box). The USPTO considers the applicants "or" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Regarding claim 6, Nobakht and Blackketter discloses all the limitations of Claim

1. Nobakht discloses the ITV further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (Column 16 lines 7-26).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht in view Blackketter as applied to claim 4, further in view of Norsworthy et al (US 6,144,402 and hereafter referred to as "Norsworthy").

Regarding Claim 5, Nobakht and Blackketter discloses all the limitations of Claim

4. Nobakht teaches a data bus connected to the microprocessor and memory (Figure 2 and Column 5 lines 5-62). Nobakht and Blackketter are silent on a data bus

communicating with the microprocessor, memory system, and TV tuner. However, data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art as taught by Norsworthy (Figure 2, Bus 205 and Column 7 lines 18-50). Thus, in view of Norsworthy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht so that there was a data bus communicating with the microprocessor, memory system, and TV tuner to have basic components interconnected (See Norsworthy Column 7 lines 34-40).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
December 17, 2007

  
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